UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APRIL 16, 1990

Mr. Joseph H. Wilson
Vice President
Research and Development
Medical SafeTEC
5610 West 82nd Street
Indianapolis, Indiana 46278

Dear Mr. Wilson:

This is in response to your letters of March 2 and March 20, and our recent telephone conversation in which you requested information on EPA's "destruction" criterion, when used in the context of the medical waste regulations at 40 CFR Part 259, and in particular, on the guidance discussed in the preamble to the rule (see 54 FR 12326).

I would like to begin my response by summarizing the relevant provisions in the Federal regulations in order to put your question into its proper context. The Federal regulations include standards for the segregation, packaging, labeling, and tracking of certain types of medical waste. The tracking provisions (with few exceptions) require tracking of medical waste that is shipped off-site using a uniform tracking form. These standards apply to the classes of medical waste listed in section 259.30 of the regulation, Definition of Regulated Medical Waste (RMW), unless the waste has been either excluded by statute or exempted by rulemaking. One of the exclusions (see 40 CFR section 259.30(b)(l)(iv)) states:

> "Residues from treatment and destruction processes are no longer regulated medical waste once the waste has been both treated and destroyed."

Thus, a waste is subject to regulation (and must be tracked) up to the point where both treatment and destruction processes have been conducted.

Your question was specifically in regard to the second criterion, destruction of the waste. The term "Destroyed Regulated Medical Waste" was defined in general terms in the regulation at 40 CFR Section 259.10 (54 FR 12372) as:

> "…waste that has been ruined, torn apart, or mutilated through processes such as thermal treatment, melting, shredding, grinding, tearing or breaking, so that it is no longer generally recognizable as medical waste…[emphasis added]

In addition, the preamble to the rule (see 54 FR 12343-4) explains EPA's rationale for excluding these wastes, discusses in more detail what is meant by the term destruction, and provides an example of a commonly used destruction practice as guidance on what constitutes destruction. Given as the example was a grinding process that can generally achieve a 1/2 inch mesh size for processed waste. This example is not a technical standard, it is not at all meant to indicate what is "safe," nor is it based on a technical evaluation of the efficacy of specific treatment/destruction processes. It is one example of a technology that EPA believes satisfies the meaning of the phase "…is no longer generally recognizable as medical waste…" and therefore the meaning of the term "Destroyed Regulated Medical Waste." I have included a copy of the regulation with the pertinent sections marked for your perusal.

I would also like to point out that the Federal regulations are part of a demonstration program. That is, they apply only to wastes that are generated in certain "Covered States." In addition, individual States may have their own regulations that are broader-in-scope or more stringent than the Federal regulations. If you have any additional questions on this matter, please contact David Tomten of my staff at (202) 245-3516.

Sincerely,

Michael J. Petruska
Acting Chief
Waste Characterization Branch

Enclosure

cc: WCB files

FaxBack # 11506